

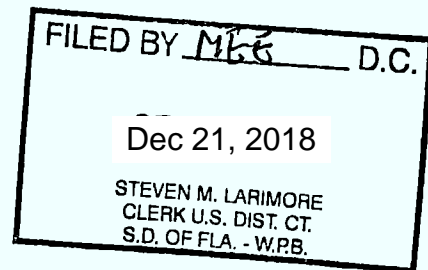
UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA

JAMES E. SCOTT,

Plaintiff,
v.

INTERNAL REVENUE SERVICE,

Defendant



COMPLAINT FOR INJUNCTIVE RELIEF

1. This is an action under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, to order the production of those agency records which defendant has improperly withheld from plaintiff.

2. This court has jurisdiction over this action pursuant to 5 U.S.C. § 552(a)(4)(B).

3. Plaintiff, JAMES E. SCOTT is the requester of the records which defendant is now withholding. Plaintiff has requested this information and prompt release of the information is essential because of the immediate public interest in this information.

4. Defendant INTERNAL REVENUE SERVICE is an agency of the United States and has possession of the documents that plaintiff seeks.

5. By letter dated March 29, 2018 plaintiff requested access to certain identifiable records (the "Initial Request"). A copy of this letter is attached as Exhibit 1.

6. By email exchange dated April 9, 2018 Plaintiff agreed to modify the initial request to delete the request for certain emails. A copy of the email is attached as Exhibit 2.

7. By letter dated May 31, 2018, Defendant admitted to locating 826 pages responsive to plaintiff's request, and released 696 pages. Defendant withheld 130 pages in full and 36 pages in part. Defendant asserted FOIA exemption (b)(3) in conjunction with I.R.C. § 6103(a). Defendant also asserted FOIA exemption (b)(5), specifically the "deliberative process privilege". Finally, Defendant also asserted FOIA exemption (b)(6). A copy of this letter is attached as Exhibit 3.

7. By letter dated June 12, 2018 Plaintiff appealed the withholding of 130 pages in full and the redactions on 36 pages in part. Plaintiff also challenged the adequacy of the search for responsive documents. A copy of this letter is attached as Exhibit 4.


8. By an undated letter issued by the Appeals Office in Fresno, CA Defendant upheld the withholding of pages and redactions. A copy of this letter is attached as Exhibit 5.

9. Plaintiff has a right of access to the requested information under 5 U.S.C. § 552(a)(3), and there is no legal basis for defendant's denial of such access.

WHEREFORE, plaintiff requests that this Court:

- (1) Order defendant to provide access to the requested documents;
- (2) Expedite this proceeding as provided for in 28 U.S.C. § 1657;
- (3) Award plaintiff costs and reasonable attorneys fees in this action, as provided in 5 U.S.C. § 552(a)(4)(E); and
- (4) Grant such other and further relief as it may deem just and proper.

Respectfully submitted,
JAMES E. SCOTT, *pro se*



James E. Scott
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Wellington, FL 33414
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917-225-5357

Dated: December 21, 2018

CERTIFICATE OF SERVICE


I hereby certify that, pursuant to FRCP Rule 4(i), a copy of the summons and of *Plaintiff's Complaint for Injunctive Relief* was sent by registered or certified mail to:

Internal Revenue Service
1111 Constitution Avenue, NW
Washington, DC 20224

Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Ave. NW
Washington, DC 20530-0001

U.S. Attorney's Office
99 N.E. 4th Street
Miami, Fl. 33132

Date: 12/21/2018


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